

**William P. Farley**



**CAREER OVERVIEW:**

- AV Preeminent® rated litigator.
- Five Years Associate Chief Administrative Law Judge Supervising 18 Judges.
- Preside over and control hearings.
- Wrote timely, clear, complete and concise decisions.
- Past President of the Federal Administrative Law Judges Conference.
- Judge leading pilot for electronic adjudication.
- Navy Veteran.
- Graduate of the Federal Executive Institute – Leadership for a Democratic Society.

**ADMINISTRATIVE LAW EXPERIENCE:**

**Associate Chief Administrative Law Judge** June  
2014-Nov. 2019  
**Office of Medicare Hearings and Appeals**

Full-Time. Responsible for a high volume work load while managing the Arlington field office. Edited proposed Medicare and administrative law regulations. Developed policy and curriculum for new judges and attorneys. Supervise, hire, and train administrative law judges, lawyers, paralegals and legal assistants. Pilot the Agency's paperless office initiative. Liaise with headquarters and field office managers to develop strategy and judicial efficiencies.

**Supervisory Administrative Law Judge (OMHA)** April  
2012 – June 2014

Nov. 2019 --

Present  
Full-Time. Analyzed and decide extremely complex legal and administrative issues. Resolved disputes involving coverage and payment issues arising under the Medicare laws and regulations. Prepared for and presided at in person, VTC and telephonic administrative hearings. Built the administrative record and

issued decisions with written findings of fact and conclusions of law.

**OTHER LEGAL EXPERIENCE:**

**Law Office of William P. Farley, P.C.**  
2006-April 2012

May

Full-Time. AV-rated litigator practicing before federal, state and administrative tribunals focused on employment and labor law. First-Chair responsibilities for jury trials, injunctions, motions and settlement proceedings. Taking and defending depositions. Selecting, hiring and preparing expert witnesses, including labor and employment experts. Analyzing and litigating contracts. Investigating and preparing constitutional claims and asserting constitutional rights.

**McDonald & Karl, P.C.**  
May 2006

February 2000 --

*Senior Litigator (2000-2003), Litigation Partner (2003-2006)*

Full-Time. AV-rated attorney with a complex law practice concentrating on intellectual property, constitutional rights, civil rights, arbitrations, and government issues. First chair litigator responsible for motions, pre-trial, trial, post-trial, and settlement negotiations.

**New York City Corporation Counsel**  
-- June 1999

April 1997

*Assistant Corporation Counsel - General Litigation Division*

Full-Time. Advised Police Chiefs, Prison Administrators, and City leaders on complex factual, legal, and media issues. Handled high-profile cases involving statutory interpretation, prisons, civil rights, school governance, election, and labor and employment law.

**Dewey Ballantine LLP**  
April 1997

May 1994 --

*Summer Associate, Associate*

Full-Time. Practice focused on energy funding, capital markets

and securitizations. Drafted contracts and developed legal framework for domestic and international asset-backed securitizations. Prepared draft opinions and contracts, financial statements, corporate organizational documents. Conducting due diligence for mergers and acquisitions. Legal analysis of intergovernmental and international taxation of cross-border transfers of commercial paper and assets. *Pro bono* attorney for forced commitment hearings at Bellevue Hospital Center.

**The Honorable John T. Curtin, United States District Court**

January 1995 – May 1995

*Student Judicial Clerk*

Part-Time during spring semester. Legal analysis and drafting labor and employment cases.

**OTHER EXPERIENCE:**

***President* - Federal Administrative Law Judges Conference**

June 2016 – May 2017

Part-time. Leader of the Federal Administrative Law Judges Conference a voluntary professional association of federal administrative law judges working within the Executive Branch of the Government under the auspices of the Administrative Procedure Act.

***Town Councilman* - Town of Somerset, Maryland**

April

2008 – April 2012

Part time. Elected government official overseeing multi-million dollar budget and legislation.

***Candidate* - Maryland General Assembly**

May –

October 2010

Full time. Developed campaign plan and strategy. Worked with staff to coordinate events and volunteer activities. Hired campaign staff and set up management structure. Gave speeches and participated in debates. Met with elected leaders to discuss government procedures and issues.

***Chair* - Montgomery County Transportation Management**

May

2009-April 2012

**District Advisory Committee – Friendship Heights**

April 2008 – April 2012

Part Time. Chair of the Montgomery County Transportation Committee. Planned meetings, worked to develop agenda and guided committee using rules of procedure. Worked with the committee to advise elected and non-elected government officials on transportation operations.

**EDUCATION:**

**State University of New York at Buffalo, School of Law**

May 1995

***Juris Doctor***

Honors: BUFFALO LAW REVIEW, Senior Editor

Awarded Certificate in State and Local Government  
Law

President of the Legal Honors Fraternity

**State University of New York at Binghamton, School of  
Management May 1988**

***Bachelors of Science*, Management**

**Service in the Armed Forces:**

**United States Navy**

***Petty Officer* (Enlisted)**

April

1982 – May 1986

Full time. Worked on Nuclear powered submarines. Disabled Veteran. Honorably Discharged. Sea service based in the United States, Cuba, and Italy.

**BAR ADMISSIONS INCLUDE:**

- United States Supreme Court  
February 2002
- New York State  
August 1996
- Maryland (Judicial)  
December  
2001
- District of Columbia (Judicial)  
February 2000

**PROFESSIONAL ASSOCIATIONS:**

- Federal Bar Association
- ABA Section of Judicial Members
- The William B. Bryant American Inn of Court

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- Federal Administrative Law Judges Conference

PERSONAL:

Bee Keeper, Runner, Licensed Private Pilot, Soccer/Basketball Coach, Boating Enthusiast

## REPORTED/ELECTRONIC CASES

### FEDERAL

*United America Financial, Inc. v. Potter*, 2010 WL 1255944 (D.C. Cir. 2010) (FOIA).

*Klingenschmitt v. Winter*, 275 Fed.Appx. 12 (D.C. Cir. 2008) (1<sup>st</sup> Amendment).

*Banks v. Office of Senate Sergeant-At-Arms*, 471 F.3d 1341(D.C. Cir. 2006) (FRCP/Discovery).

*Rann v. Chao*, 346 F.3d 192 (D.C. Cir. 2003) (Exhaustion of Administrative Remedies).

*United America Financial, Inc. v. Potter*, 2011 WL 939014 (D.D.C. 2011) (FOIA).

*Myrdal v. District of Columbia*, 248 F.R.D. 315 (D.D.C. 2008) (FRCP 30(b)(6) deposition).

*United America Fin., Inc. v. Potter*, 531 F.Supp.2d 29 (D.D.C. 2008) (FOIA Exemptions).

*Myrdal v. District of Columbia*, 2007 WL 1655875 (D.D.C. 2007) (FRCP).

*Banks v. Office of Senate Sergeant-At-Arms*, 241 F.R.D. 370 (D.D.C. 2007) (FRE, Rule 612).

*Banks v. Office of Senate Sergeant-At-Arms*, 241 F.R.D. 376 (D.D.C. 2007) (Attorney/Client).

*Banks v. Office of Senate Sergeant-At-Arms*, 2006 WL 2639447 (D.D.C. 2006) (FRCP).

*Banks v. Office of Senate Sergeant-At-Arms*, 2006 WL 1933471 (D.D.C. 2006) (FRCP).

*Banks v. Office of Senate Sergeant-At-Arms*, 236 F.R.D. 16 (D.D.C. 2006) (FRCP – Rule 37).

*Banks v. Office of Senate Sergeant-At-Arms*, 233 F.R.D. 1 (D.D.C. 2005) (Privilege Waiver).

*Banks v. Office of Senate Sergeant-At-Arms*, 228 F.R.D. 24 (D.D.C. 2005) (FRCP -- Rule 30).

*Banks v. Office of Senate Sergeant-At-Arms*, 2005 WL 1074329 (D.D.C. 2005) (FRCP).

*Banks v. Office of Senate Sergeant-At-Arms*, 226 F.R.D. 113

(D.D.C. 2005) (FRCP – Rule 26).

*Jones v. District of Columbia*, 346 F.Supp.2d 25 (D.D.C. 2004).

*Banks v. Office of Senate Sergeant-At-Arms*, 222 F.R.D. 7 (D.D.C. 2004) (FRCP – Rule 33).

*Banks v. Office of Senate Sergeant-At-Arms*, 222 F.R.D. 1 (D.D.C. 2004) (FRCP – Rule 30).

*Lloyd v. Chao*, 240 F.Supp.2d 1 (D.D.C. 2002) (FRCP 56).

*Rann v. Chao*, 209 F.Supp.2d 75 (D.D.C. 2002) (FRCP 59(e)).

*Rann v. Chao*, 154 F.Supp.2d 61 (D.D.C. 2001) (FRCP 56).

*Barrow v. Graham*, 124 F.Supp.2d 714 (D.D.C. 2000) (TRO).

### **STATE/DISTRICT OF COLUMBIA**

*Lee v. District of Columbia*, 22 A.3d 734 (D.C. 2011) (Double Jeopardy).

*Beachum v. U.S.*, 19 A.3d 311 (D.C. 2011) (Criminal Procedure/4<sup>th</sup> Amendment)

*Hill v. U.S.*, 959 A.2d 702 (D.C. 2008) (Sixth Amendment).

*McFarland v. George Washington University*, 935 A.2d 337 (D.C. 2007) (D.C. Human Rights).

*Clawson v. St. Louis Post-Dispatch, L.L.C.*, 906 A.2d 308 (D.C. 2006) (Defamation).

*Lipscombe v. Crudup*, 888 A.2d 1171, (D.C. 2005) (1<sup>st</sup> Amendment -- Church/State).

*Garzilli v. Mills*, 250 A.D.2d 131, 681 N.Y.S.2d 176 (N.Y.A.D. 3 Dept. 1998) (Education Law).

## *John Michael Herke*

Admitted to practice in Alabama, Louisiana, and Mississippi

### **RELEVANT CAREER OVERVIEW**

- Seven-plus years of experience adjudicating appeals as a Louisiana state-level administrative law judge. Currently manage a caseload averaging 700 to 800 cases per year, many of which require interpretation and application of the Code of Federal Regulations in areas such as public health (Safe Drinking Water Act), commercial trucking (Federal Motor Carrier Safety Act), and Medicaid (Title IX of the Social Security Act). Adjudicated 2,700+ cases to date.
  - The position requires a strong background in research, understanding, and evaluation of Louisiana laws and regulations, federal health and safety regulations, and state and federal transportation regulations.
  - Supervisor-rated “successful” every year; rated “exceptional” in three separate years by three different supervisors.
  - Completed a week-long National Judicial College (NJC) course in Advanced Administrative Law and a two-day NJC course in Best Practices in Administrative Law.
- Fourteen years of experience litigating cases in federal courts in Alabama, Louisiana, Mississippi, Ohio, and Pennsylvania. Caseload included federal claims under the Longshore and Harbor Workers’ Compensation Act (LHWCA), the Jones Act, the Death on the High Seas Act, and the Limitation of Liability Act, as well as federal administrative claims under the UDSA’s net recovery buyout/recapture regulations.
- Lead counsel in hundreds of complex, serious exposure matters, including class action litigation and federal maritime asbestos multi-district litigation (MDL) (representing 17 defendants). Associate counsel in LHWCA litigation, commercial diving litigation, and industrial personal injury litigation.
- Tried cases to verdict in Louisiana state courts, and in Mississippi federal and state courts.

### **EMPLOYMENT EXPERIENCE**

**Louisiana Division of Administrative Law, New Orleans, Louisiana**

*Administrative Law Judge, September 2012 to present (February 2020)*

Adjudicate cases (including witness examination, witness credibility, and admissibility of evidence), conduct pre-hearing conferences, and facilitate settlements. Rule on pre-hearing motions, evidentiary motions, and motions for new trial. Supervise peer review, subject matter review, and editing of other administrative judges’ decisions. Cases involve the Department of Health, Department of Children and Family Services, Department of Public Safety (Transportation & Environmental Safety Section), Department of Natural Resources, and Department of Insurance.

**Spyridon, Palermo & Dornan, LLC, Metairie, Louisiana**

*Trial Attorney, December 2002 to September 2012*

Trial and appellate practice in federal and state courts in Alabama, Louisiana, and Mississippi.  
*Pro hac vice* practice in Ohio, Pennsylvania, and Texas federal courts.

Court-appointed National Defense Steering Committee member for federal maritime asbestos MDL cases. Oversaw defense of seventeen industrial and commercial defendants in federal MDL litigation, utilizing a cost-sharing matrix of insurers based on risk-year analysis.

Caseload involved extensive and often medically complex personal injury claims such as mold exposure (class action), water contamination (class action), asbestos-related diseases, silica-related diseases, polychlorinated biphenyl (PCB) exposure, maritime property loss claims (Limitation of Liability Act), maritime personal injury and commercial diving claims (DOHSA, Jones Act, and LHWCA), and commercial trucking personal injury claims.

Participated in dozens of mediations and arbitrations as an attorney representing clients. Also a certified mediator in Mississippi.

**Gunn & Hicks, PLLC, Hattiesburg, Mississippi**

*Trial Attorney, July 1998 to December 2002*

Civil trial practice in all federal and state Mississippi courts. Responsible for all phases of litigation from initial investigation through trial and appeals. Successfully briefed and argued civil appeals in both state and federal cases.

**15<sup>th</sup> Judicial Circuit Court, Purvis, Mississippi**

*Judicial Clerk, September 1995 to June 1998*

Simultaneously served two judges in a five-county area. Responsibilities encompassed civil and criminal cases as well as administrative agency appeals. Operated with minimal supervision, and was entrusted with significant responsibility for disposition of post-conviction (habeas corpus) motions and dispositive civil motions. Attended trials and participated in motion hearings.

**University of Southern Mississippi, Hattiesburg, Mississippi**

*Adjunct Instructor* (Criminal Justice Department) June 1996 to June 1998

Taught classes in substantive Criminal Law and in Constitutional Criminal Procedure.

**EDUCATION**

**Tulane Law School, New Orleans, Louisiana**

Juris Doctor, May 1994 (cum laude)

Cumulative G.P.A. 3.36 (Cumulative rank 42/306--**top 15%**)

Senior Managing Editor, *Tulane Environmental Law Journal*

McGlinchey-Stafford Scholarship

**University of New Orleans, New Orleans, Louisiana**

Bachelor of Arts (English), May 1991

Cumulative G.P.A. **3.72**

Phi Kappa Phi and Omicron Delta Kappa Honor Societies; Ledbetter English Scholarship

*Driftwood* newspaper Editor-in-chief 1989-90, Managing Editor 1988-89, Copy Editor 1987-88

**COMPUTER SKILLS:**

Word processing: Microsoft Word, WordPerfect, Adobe Acrobat  
Database management: Microsoft Excel, ProLaw case management software  
Presentations: PowerPoint  
Legal Research: Westlaw, ISYS, Internet

Typing speed approximately 50 wpm.

**REPRESENTATIVE REPORTED CASES:**

- a. *Grand Legacy, LLP v. Gant*, 66 So. 3d 137 (Miss. 2011).
- b. *Jerkins v. Lincoln Elec. Co.*, 103 So. 3d 1 (Ala. 2011).
- c. *Seacor Holdings, Inc. v. Commonwealth Ins. Co.*, 635 F.3d 675 (5<sup>th</sup> Cir. 2011).
- d. *Muller v. Colony Ins. Co.*, 57 So. 3d 341 (La. App. 1 Cir. 12/9/10).
- e. *Durr v. MBS Const. Corp.*, 665 F.Supp.2d 700 (S.D. Miss. 2009).
- f. *Bartel ex rel. Estate of Rich v. A-C Product Liability Trust*, 461 F.Supp.2d 600 (N.D. Ohio 2006).
- g. *Seward v. U.S. Dep't of Agriculture*, 229 F.Supp.2d 557 (S.D. Miss. 2002).

**PUBLICATIONS:**

*Teething Pains at Age 25: Developing Meaningful Enforcement of the National Flood Insurance Program*, 7 TUL. ENV'T'L L.J. 165

*Handling Toxic Mold Disputes*, Lorman Education Services Seminar 2003

# Jodeen M. Hobbs, Esq.

## Experience

UNITED STATES DEPARTMENT OF LABOR

Regional Solicitor's Office

Philadelphia, PA

August, 2007-present, full-time

### **Regional Counsel for ERISA**

January 2017-present

- Supervise all aspects of enforcement related to sophisticated federal district court litigation brought under the Employee Retirement Income Security Act of 1974; make recommendations regarding litigation consistent with legal and procedural matters and with the priorities of the Secretary of Labor
- Manage cases involving sophisticated transactions, breaches of fiduciary responsibility and often complicated bankruptcy issues; coordinate the retention and use of financial experts
- Responsible for assigning all ERISA work and for the supervision of all aspects case management; oversee the preparation of necessary court filings including all pleadings and motions; manage all aspects of trial preparation and presentation
- Negotiate all terms of settlement including restitution and other non-monetary compliance requirements
- Track all court filings in five states and the District of Columbia, ensure compliance with all procedural and local rules and court deadlines
- Prepare budgets for all ERISA matters and operate within fiscal constraints

### **MSHA Backlog Project Manager/Senior Trial Attorney**

January 2015-January 2017

- Directly supervised up to 13 attorneys and 2 legal technicians with a high volume caseload in a temporary project designed to reduce severe backlog of Mine Safety and Health Administration dockets; oversaw litigation of hundreds of dockets with millions of dollars in assessed penalties; oversaw attorney training
- Reviewed, edited and approved all motions, discovery requests, pretrial statements and settlement documents; consulted with attorneys on substantive matters, settlement, trial strategies and effective use of discovery tools
- Had direct responsibility for all administrative activities including assignment of cases; tracking of prehearing and hearing obligations; ensured that attorneys had balanced caseloads; prepared all reports regarding project results; ensured that project operated with fluctuating budget constraints

### **Acting Deputy Director, Division of Program Operations (detail)**

June 2015-August 2015

- Leadership development detail in the National Office
- Assisted in development of a strategic litigation plan that was endorsed by the Director, OFCCP; organized special project reports
- Organized subcommittee for a Deputy Secretary's cross-agency initiative
- Evaluated organization structure to identify possible improvements

# Jodeen M. Hobbs, Esq.

## **Trial Attorney**

August 2007-January 2015

- Represented the Secretary of Labor in enforcement actions under a broad range of matters in federal district and administrative law courts
- Served as managing counsel as needed in ERISA, MSHA, Black Lung, Child Labor and H-immigration program areas
- Litigated sophisticated cases involving breaches of fiduciary duties under ERISA, worker safety issues under MSHA and OSHA, violations of non-immigrant worker provisions of H-1B and H-2B, workers compensation issues in black lung matters and egregious child labor violations under FLSA
- Conducted legal research, drafted legal opinions and provided factual and legal analysis of complex litigation matters
- Developed comprehensive and creative trial strategies and worked closely with client agencies to successfully execute litigation plans

MILLER ALFANO & RASPANTI, P.C.

PHILADELPHIA, PA

## **Shareholder**

2005-2007

- Handled own caseload in an active and diverse litigation practice in federal and state court; developed novel case theories, managed complex discovery processes, deposed key witnesses, and prepared detailed trial plans
- Managed workloads of associates and support staff
- Experienced in broad range of substantive areas including white collar defense, sentencing mitigation, employment law, commercial litigation

## **Associate**

1997-1999; 2000-2005

- Prepared all pleadings and motions; taken/defended numerous depositions; drafted complex summary judgment motions and sentencing memoranda

TEMPLE UNIVERSITY SCHOOL OF LAW

PHILADELPHIA, PA

## **Director of Admissions**

1999-2000

- Directed Temple Law School's admission process; managed office staff; made recommendations regarding admission; drafted marketing materials

PENNSYLVANIA COMMISSION ON SENTENCING STATE COLLEGE, PA

## **Associate Director**

1990-1994

- Researched and drafted proposed changes to sentencing guidelines; analyzed sentencing data; implemented training program for judges, prosecutors, defense attorneys and court personnel

U.S. SENTENCING COMMISSION

WASHINGTON, D.C.

## **Researcher**

1989-1990

- Evaluated implementation of the federal sentencing guidelines; designed instruction manual for recording of basic sentencing information

## Jodeen M. Hobbs, Esq.

### Education

TEMPLE UNIVERSITY SCHOOL OF LAW

PHILADELPHIA, PA

**J.D., 1997, *cum laude***

- Law Review, Note/Comment Editor; Center for Public Policy Fellowship; awards for contributions to law school community, excellence in writing for Law Review and best performance in evidence; member Temple Inn of Court

PENN STATE UNIVERSITY

STATE COLLEGE, PA

**M.A., 1993, Sociology**

- Thesis: "Sentencing Decisions in Pennsylvania: Do Female Judges Make a Difference?"

**B.A., 1987, General Arts and Sciences**

### Bar Admissions

Pennsylvania (1997)

New Jersey (1998)

Eastern District of Pennsylvania (1997)

New Jersey District Court (1998)

Middle District of Pennsylvania (2009)

Third Circuit (2004)

U.S. Supreme Court (2003)

### Leadership Training

U.S. DEPARTMENT OF LABOR

- 2019 Continuous Process Improvement Program, Certified Six Sigma Yellow Belt
- 2019 Leading@Labor 4 Day
- 2017 Essential HR Competencies for New DOL Managers and Supervisors
- 2015 Leading@Labor 1 Day
- 2014 Attorney Leadership Development Program (included 90 day detail)

## Jodeen M. Hobbs, Esq.

### Representative Cases Regional Solicitor's Office

#### ERISA

Secretary v. Adam Vinoskey, et al, U.S.D.C., W.D. Va., Civ. A. 6:16-cv-00062.

- supervised all aspects of litigation of week-long federal court trial related to fiduciary breaches that caused substantial losses to an employee stock ownership program; judgment of over \$6.5 million entered in Secretary's favor

Secretary v. WH Administrators, et al, U.S.D.C., D. Md. Civ. A. No. 1:18-1290.

- supervised all aspects of filing a successful motion for a temporary restraining order after agency investigation confirmed over \$8 million in unpaid health claims by an administrator of an ERISA-covered health and welfare plan for more than 140 employers

The Chimes D.C. Pre-Referral Assistance, U.S. D.C., W.D. Tex., Civ. A. No. 1:14-cv-553.

- worked with client in ongoing major case initiative investigating a health and welfare plan; took numerous sworn statements of potential fiduciaries in Texas and California; negotiated production of thousands of relevant documents; successfully responded to motion to quash subpoena issued under the Right to Financial Privacy Act

Secretary v. Robino, U.S.D.C., D. Del., Civ. A. No. 1:14-cv-685.

- directed pre-referral administrative depositions; analyzed liability of four fiduciaries, each of whom was implicated in transactions that led to the pilfering of more than \$600,000 from the ERISA plan; negotiated a consent judgment that provided for full recovery, including all lost opportunity costs

Secretary v. Innovative Logistics Techniques, Inc., U.S. D. C., E.D. Va., Civ. A. No. 1:12-cv-01321.

- prepared detailed analysis of breaches by plan fiduciaries; identified significant evidentiary deficiencies and worked with investigator to develop additional evidence to support complete recovery of more than \$110,000; coordinated efforts with U.S. Attorney's Office for the Eastern District of Virginia due to tangentially related criminal proceeding

#### CHILD LABOR

Administrator v. JN Pallet, 2012-CLA-00002 (ALJ).

- prepared sophisticated legal analysis of first child labor violation to be litigated by Philadelphia Regional Solicitor's Office under Wage and Hour Division's Child Labor Enhanced Penalty Program; resolved matter for \$50,000 (80% of assessed penalty)

#### IMMIGRATION

Administrator v. Ed Bayer Design (H-2B), 2012-TNE-00006 (ALJ).

- tried and won the first H-2B matter to be litigated by the Philadelphia Regional Solicitor's Office; received fully favorable decision in high impact case which awarded back wages of nearly \$10,000 to 11 non-immigrant workers and approximately \$18,000 in penalties; advanced novel issue that Administrator could assess a penalty and backwages related to rent charged for deplorable housing conditions; during discovery worked with Mexican laborers to obtain admissible sworn statements to support Administrator's case

#### MSHA

Secretary v. Mettiki Coal Company, WEVA 2012-798 (FMSHRC).

- handled all matters pertaining to expedited hearing relating to operator's use of belt air to ventilate working sections; issue was particularly sensitive as MSHA recently had issued specific regulations limiting the use of belt air; independently handled calls with senior and high-ranking MSHA officials and negotiated favorable resolution of the expedited case

## Jodeen M. Hobbs, Esq.

### Secretary v. CONSOL Robinson Run, WEVA 2009-371 (FMSHRC).

- independently tried case involving coal accumulation and ventilation plan violations; successfully used evidentiary rules at trial to obtain documents that operator had withheld on privilege claim; entirely successful outcome

### **OSHA**

### Secretary v. Schindler Elevator, No. 13-125 (OSHRC).

- negotiated nationwide settlement agreement in this lockout tagout case which arose after an employee was killed while servicing a dumbwaiter; worked with Union to develop expertise in the operation of dumbwaiters; settlement included an agreement from employer implement nationwide lockout tagout training for dumbwaiters

### Secretary v. Merck, Sharp and Dohme, No. 13-2149 (OSHRC).

- worked closely with Area Office, Union representatives and engineering experts in lockout tagout case involving autoclaves and the potential unexpected release of scalding steam

### **LABOR RELATIONS**

### Employee v. Secretary, No. 130412-01823-6 (FMCS).

- represented MSHA at an arbitration hearing relating to the removal of a journeyman inspector; MSHA removed the inspector after determining that the inspector had provided advance notice to a mine operator of a spot inspection

### Employee v. Secretary, No. 550-2011-00547X (EEOC).

- managed the litigation of three EEO complaints filed by inspector over five year time period; the consolidated cases included 10 different allegations of discrimination each with complex fact patterns; successfully resolved matter for fraction of original demand

## Representative Cases Private Practice

### **WHITE COLLAR CRIMINAL DEFENSE**

### United States v. Herbert Brooks Wettlin, U.S.D.C., D. of S.D., No. 4:05-CR-40139.

- presented unique (and ultimately successful) sentencing departure and variance arguments in a detailed sentencing memorandum

### United States v. Melvin Stein, U.S.D.C., E.D. of PA, No.: 2:04-CR-00269.

- assumed representation post-conviction; handled all aspects of sentencing; drafted comprehensive sentencing memorandum

### United States v. Mark Rubin, U.S.D.C., E.D. of PA, No.: 2:04-CR-00826.

- prepared sentencing memorandum following substantial cooperation and plea;

### United States v. Albert Forcella, U.S.D.C., E.D. of PA, No.: 04-CR-126.

- wrote detailed sentencing memorandum following multi-district cooperation

## Jodeen M. Hobbs, Esq.

### **EMPLOYMENT**

Roadcloud v. Pa. Bd. of Prob. & Parole, Civ. A. No. 05-3787, 2006 WL 83453 (E.D. Pa. Jan. 6, 2006).

- represented Parole Board employee in a multi-count, multi-party discrimination case brought under Title VII, Section 1983 and the Pennsylvania Human Relations Act; using a phased discovery process to narrow claims

Devore v. City of Phila., No. Civ. A. 04-3030, 2005 WL 2178909 (E.D. Pa. Sept. 7, 2005); No. Civ. A. 04-3030, 2005 WL 352698 (E.D. Pa. Feb 11, 2005).

- represented City and employees against claims of retaliation; effectively controlled an extensive discovery process by convincing the Court initially to limit discovery to a single issue that was outcome determinative; situated case for early settlement

Hovington v. Se. Pa. Transp. Auth., No. Civ. A. 03-2226, 2004 WL 887473 (E.D. Pa. Feb. 11, 2004).

- represented SEPTA against claims under Title VII, 42 U.S.C. § 1983, 42 U.S.C. § 1981, and the Pennsylvania Human Relations Act

### **INSURANCE INSOLVENCY**

Donna Lee H. Williams, Ins. Comm'r of Delaware as Receiver for Nat' Heritage Life Ins. Co. in liquidation v. Standard Chartered Bank, 96-200-Civ-ORL-22 (M. D. Fla.).

- represented Insurance Commission in case to recover assets fraudulently taken from life insurance company; took key depositions and drafted sophisticated motions; multi-million dollar settlement

Donna Lee H. Williams, Ins. Comm'r of Delaware as Receiver for Nat' Heritage Life Ins. Co. in liquidation v. Prudential Securities, Inc., 1996-CA-003225-O (Fla.).

- part of trial team that litigated three week jury trial seeking to recovery millions of dollars of misappropriated funds; drafted complex discovery motions and prehearing documents; worked with financial examiner expert to support claims

## Jodeen M. Hobbs, Esq.

### Publications and Presentations

February, 2019, "Part 4 Unpaid Health Claims--Dissection of a Complaint. Evidence Needed for Health Care Cases," Presentation at EBSA Quarterly Meeting, Philadelphia, PA

November 2018, "Privileges—Asserting and Protecting Them," Presentation at EBSA Quarterly Meeting, Silver Spring, MD

August, 2018, "Ethical Use of Social Media," Presentation at Philadelphia Regional Conference, Philadelphia, PA

August, 2018, "Two Truths and A Lie—The Evidentiary Version," Presentation at Philadelphia Regional Conference, Philadelphia, PA

September, 2018, "ERISA For New Attorneys," Presentation at Solicitor's Office Training, Washington, DC

August, 2017, "Administrative Subpoenas," Presentation at EBSA Quarterly Meeting, Silver Spring, MD

January, 2012, "*Cigna v. Amara* and Equitable Remedies Under ERISA," Presentation at EBSA Quarterly Meeting, Silver Spring, MD

February, 2012, "Electronic Case Filing," Presentation to Philadelphia Regional Attorneys and Staff, Philadelphia, PA

November, 2009, "The Good, the Bad and the Ugly (Paper)," Presented at to the CMS&H Supervisors and Managers Conference, Beckley, WV

Spring 2006, "Advocacy and the Presentence Investigation Report," *American Bar Association, Criminal Litigation Newsletter*

November 2006, "Using Data to Support Mitigation Themes," *Sentencing Advocacy Workshop*, Presentation to PA Assoc. of Criminal Defense Lawyers (Philadelphia)

September/October 2006, "Getting to Reasonableness - Crafting an Effective Downward Departure Post-Booker," *The Champion Magazine*

July 10, 2006, "So Much to Lose: Minor Problems Can Lead to Major Losses for Any Health Care Professional" *Health Care Law*, supplement to The Legal Intelligencer

November 1996, "Structuring Sentencing Discretion in Pennsylvania: Are Guidelines Still An Option In Light of Commonwealth v. Devers?" 69 Temp. L. Rev. 941

Heather C. Leslie

**EDUCATION**

**Loyola University School of Law, New Orleans, Louisiana**  
Juris Doctor, May 2002  
GPA: 3.12, Top 25%, Common Law Division

**Florida State University, Tallahassee, Florida**  
Bachelor of Arts Degree in International Relations, May 1995  
Minor in Italian Studies  
GPA: 3.4

**BAR MEMBERSHIP**

Maryland (2002) and the District of Columbia (2004).

**LEGAL EXPERIENCE**

<b>Administrative Appeals Judge</b>	<b>September</b>
<b>2019 to the present</b>	
<b>Administrative Review Board</b>	<b>(Full time)</b>
<b>United States Department of Labor</b>	
<b>Washington, D.C.</b>	

- Serve as a panel member on the Administrative Review Board reviewing final decisions from the Administrator of the Wage and Hour Division, authorized representatives of the Administrator, and Administrative Law Judges.
- Appraise, review and analyze arguments submitted by the parties. Conference with other Board members and staff attorneys to evaluate the merits of arguments and research the applicable statutes and regulations promulgated by the Secretary of Labor.
- Assist in the drafting of decisions and orders resolving appeals, fee applications, and any other matters brought before the Board covering over sixty statutes and implementing regulations.
- Represent the Board as necessary in agency meetings and exercise any other responsibilities as necessary and at the direction of the Board Chair and the Secretary of Labor.

**Administrative Appeals Judge  
to September 2019**

**Compensation Review Board**

**District of Columbia Department of Employment Services  
Washington, D.C.**

**August 2011**

**(Full time)**

- Serve as a panel member or a panel chair on the Compensation Review Board. Works with a panel of two other Board judges to address appeals brought under the private and public sector Workers Compensation Acts.
- Review and analyze arguments, Compensation Orders, Fee Orders, and other final orders appealable from the Office of Hearings and Adjudications and Office of Workers Compensation.
- Research applicable statutes, regulation and case law, when analyzing arguments brought before the Board.
- Draft decisions and orders resolving appeals, fee applications, and any other matters brought before the Board.

**Administrative Law Judge**

**August 2011 Office of Hearings and Adjudications**

**(Full time)**

**District of Columbia Department of Employment Services  
Washington, D.C.**

**April 2009 to**

- Responsible for adjudicating at Formal Hearings claims brought under the District of Columbia Workers Compensation Acts for both private and sector cases.

- Review evidence and testimony to determine the compensability of claims for disability benefits to injured workers.
- Monitor cases prior to the Formal Hearing. Conduct pre-hearing conferences when necessary to clarify issues, rule upon motions, and address other issues.
- Dispose of all contested issues in a Compensation Order setting forth the applicable law and facts in a timely manner.
- Award or deny fee petitions submitted by counsel.

**Washington Metropolitan Transit Authority  
to April 2009  
Assistant General Counsel  
time)  
Washington, D.C.**

**May 2008  
(Full**

- Member of civil litigation team defending WMATA in the District of Columbia and Maryland in liability cases, unemployment claims, and small claims courts. Issues presented include, but is not limited to, negligence, medical causation, economic and non-economic damages.
- Conduct discovery, research legal issues, depose witnesses internally within WMATA and externally, including doctors, and draft applicable documents, including pleadings, motions and settlements.
- Serve as primary counsel before Federal, County, and District Courts in the State of Maryland and Superior Court of the District of Columbia. Prepare pleadings, attend motions hearings, and mediation as the courts require.
- Represent WMATA as primary counsel in bench and jury trials in the State of Maryland and District of Columbia. Present evidence, elicit testimony from witnesses and present arguments to both judge and jury favorable to WMATA.
- Handle appeals, when necessary. Prepare briefs, analyze law, and argue in front various appellate Courts in the State of Maryland and the District of Columbia.

**ChasenBoscolo, Chartered**

**September 2002 to May 2008**

**Associate**

**(Full time)**

**Greenbelt, Maryland**

- Member of litigation team representing clients with injuries suffered in the course of employment in the District of Columbia and Maryland.

- Serve as primary counsel for numerous clients in front of Administrative Law Judges at the Office of Hearings and Adjudications, Department of Employment Services in Washington, D.C. and the Maryland Workers Compensation Commission. Issues presented include entitlement to disability benefits for injured workers, jurisdiction, reasonableness and necessity of medical treatment.
- Conduct discovery, research legal issues, depose witnesses including doctors, and draft necessary documents, including pleadings, motion and settlements.
- Handle appeals, when necessary. Prepare briefs, analyze law, and argue in front of the District of Columbia Court of Appeals.

**Network Teleports, Inc.**  
**Summer 2001**  
**Legal Intern**  
**(20 hours/week)**  
**New Orleans, Louisiana**

- Advise telecommunication firm on all pending legal matters.
- Assist the law firm of Healy & Smith, contract corporate counsel, in the research and preparation of motions and memos.
- Responsibilities included updating Dun & Bradstreet reports, applying for governmental programs, and verifying corporate standing in various states.

**U.S. District Court for the Eastern District** **August**  
**2000 to November 2000**  
**Judicial Extern to the Honorable Carl J. Barbier** **(10**  
**hours/week)**  
**New Orleans, Louisiana**

- Researched and wrote legal memoranda concerning issues of federal employment law, Rule 11 sanctions, federal procedure, and federal evidence.
- Assist staff with various stages of civil litigation including scheduling, settlement and pre-trial conferences, motion filing and argument, jury selection, and trial.

References available upon request.

U.S. Department of Labor  
All Applicant Data Report  
Name: DAN PANAGIOTIS

Email: [REDACTED]  
Country of Citizenship: United States  
Highest Grade: 12

Availability: Job Type: Permanent  
Term  
Work Schedule: Full-Time

Desired locations: US - LA - New Orleans  
US - LA - Baton Rouge  
US - LA - Lafayette  
US - LA - Covington  
US - LA - Jena  
US - LA - Oakdale

Work Experience: The Panagiotis Firm  
02/1995 - Present  
1540 West Pinhook Rd.  
Salary: \$150,000.00 USD Bi-weekly  
Lafayette, LA 70503 US  
Hours per week: 50  
Supervisor: Dan C. Panagiotis [REDACTED]  
Okay to contact this Supervisor: Contact me first

Attorney

My practice of 34 years includes the following areas: Admiralty, Maritime, Personal Injury, Immigration, Insurance, Contracts, Trials and Appeals, Auto, Louisiana Workers' Compensation, Longshore & Harbor Workers Compensation Act, Products Liability, Labor Law and Construction. My client base includes Offshore and Oilfield Companies (International and Domestic), The Lake Charles Harbor and Terminal District, Construction and Equipment Companies, Insurance Companies, Non-Profit Corporations and Individual Claimants. As Lead Trial Counsel I oversee and conduct all phases of trial preparation including drafting of pleadings and preparing appropriate administrative forms; preparation of interrogatories, document requests and subpoenas; taking and defending depositions of fact witnesses, medical experts, economists, vocational rehabilitation specialists, engineers, safety and other experts; preparing and arguing motions; preparing witnesses for trial; offering and introducing evidence; jury selection, voir dire, opening statements, direct and cross examination, making and opposing evidentiary objections; closing arguments; preparing post trial motions and memoranda and opposing same; preparing writs and appellate briefs and arguing same. As Managing Attorney I oversee all office management, hiring and firing, budgeting and task delegation.

I have litigated over 360 federal cases in Louisiana and dozens of additional federal cases in New York, Pennsylvania, Texas, Mississippi, Alabama and Arizona. Many have resulted in settlements through negotiation, arbitration or mediation. During the past five years I have tried 10 civil cases to judgment or verdict: 8 bench trials; 2 jury trials. None have been appealed.

I have litigated cases involving the following federal laws: the Longshore & Harbor Workers Compensation Act, the Outer Continental Shelf Lands Act, the Jones Act, the Federal Tort Claims Act, The Environmental Protection Act, the Endangered Species Act, The Fair Labor Standards Act, the National Labor Relations Act, the Labor Management Reporting Disclosure Act, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, OSHA, Social Security Act, the Magnuson Moss Warranty Act and the Administrative Procedures Act.

As a municipal court judge I have adjudicated thousands of traffic citations and criminal misdemeanor cases.

My Law Review Article on the Louisiana Oilfield Indemnity Act has been cited as authoritative by the Louisiana Supreme Court and numerous other state and federal courts.

U.S. Department of Labor  
All Applicant Data Report  
Name: DAN PANAGIOTIS

I have appeared and litigated over 50 disputes and appeals before administrative tribunals and Administrative Law Judges for Longshore, Labor, Social Security and OSHA disputes.

I am currently admitted to practice before the following courts: United States Supreme Court - February 24, 1992

US Fifth Circuit Court of Appeal - July 16, 1990

USDC District of Arizona - May 25, 2016

USDC Southern District of Texas - June 4, 2003

USDC Middle District of Louisiana - November 7, 1986

USDC Eastern District of Louisiana - October 18, 1985

USDC Western District of Louisiana - August 9, 1985

Louisiana Supreme Court - April 12, 1985

City of Carencro, Louisiana

01/2003 - Present

P O Drawer 10

Carencro, LA 70520 US

Hours per week: 10

Supervisor: Mayor Glenn Brasseaux (337.896.6132)

Okay to contact this Supervisor: Yes

Magistrate Judge

As a municipal court magistrate judge I have adjudicated thousands of traffic citations and criminal misdemeanor cases over the last 17 years.

I am responsible for keeping a permanent record of all traffic citations, criminal misdemeanor citations and violations of city ordinances. I preside over the city municipal court, conduct arraignments, issue summonses and warrants, take guilty pleas, enforce or commute sentences and penalties, conduct trials and render decisions, both verbally from the bench and written.

A typical docket is heard once per week consisting of 100 or more violations of the types referred to above, with the vast majority entering guilty pleas. Trial dates are set for those who plead not guilty, along with discovery dates, motion dates and evidentiary hearings, if necessary. Approximately 2-4 trials are conducted monthly.

Preis, Kraft, Laborde & Daigle

08/1986 - 02/1995

102 Versaille Blvd.

Lafayette, LA 70501 US

Hours per week: 50

Jr. Partner/Associate

As an Associate I assisted more senior attorneys by conducting legal research on various cases and topics, including Longshore & Harbor Workers Compensation claims, Social Security appeals, OSHA fines and penalties, Fair Labor Standards Act claims and immigration law. I prepared written discovery requests. I attended trials as "second chair" and examined minor witnesses. I would prepare all pre and post trial motions. As Junior Partner I took on routine management duties at the firm and began handling my own cases. I would be the "first chair" trial attorney. I conducted discovery, examined witnesses at depositions and at trial; prepared and argued all motions and handled settlement conferences and mediation.

United States District Court, Western District of Louisiana

05/1984 - 07/1986

515 Murray Street

Salary: \$35,000.00 USD Bi-weekly

Suite 233

Hours per week: 40

Series: 0904

Pay Plan: GS

U.S. Department of Labor  
All Applicant Data Report  
Name: DAN PANAGIOTIS

Grade: 12

This a time-limited appointment or temporary promotion

Supervisor: Hon. F. A. Little, Jr. [REDACTED]

Okay to contact this Supervisor: Yes

Alexandria, LA 71301 US

Law Clerk

Legal research and writing for two United States District Judges; preparation of memoranda, draft opinions, jury charges, minute entries and motion rulings; assisting at trials, hearings and in chambers conferences on all types of federal cases, including federal wage claims, labor disputes and third party claims under the Longshore & Harbor Workers Compensation Act.

I was asked to research and create various forms assisting pro se and pauper claimants dealing with Social Security appeals, Immigration appeals and federal Habeas Corpus cases. I assisted a court appointed demographer in the electoral reapportionment of Madison Parish, Louisiana securing Constitutional representation under the "One Man, One Vote" doctrine.

I assisted with Civil Rights cases under 42 USC Sec 1981, 1983 and 1988, the Longshore & Harbor Workers Compensation Act, the Outer Continental Shelf Lands Act, the Federal Tort Claims Act, The Environmental Protection Act, the Endangered Species Act , The Fair Labor Standards Act, The Jones Act and the Administrative Procedures Act.

Education: Tulane University Law School

New Orleans, LA US

Professional - 05/1984

Colgate University

Hamilton, NY US

Bachelor's Degree - 05/1981

Job Related Training: 1. Civil/Commercial & Employment Mediation Training 2016.

Certified Mediator under the Louisiana Mediation Act La. R. S. 9:4106

2. Federal Bar Association Continuing Legal Education courses on Immigration Proceedings and Family Reunification Cases, September 6, 2019

3. Longshore Act Advanced Seminar, The Longshore Institute, 2014.

Professional Publications: Offshore Update: Five Years After Passage: Contractual Indemnity, Defense and Insurance under the Louisiana Oilfield Indemnity Act, 10 Maritime Lawyer 203 (1985);

The Present Status of Contractual Indemnity and Defense under the Louisiana Oilfield Indemnity Act, 17 Forum 2 (1986)

References: Hon. F. A. Little, Jr., United States District Judge, Ret.

United States District Judge, Ret.

Phone Number: [REDACTED]

Email Address [REDACTED]

Reference Type: Professional

Hon. Glenn L. Brasseaux, Mayor

City of Carencro

Mayor

Phone Number: [REDACTED]

Email Address [REDACTED]

Reference Type: Professional

Hon. C. Michael Hill, United States Magistrate Judge, Ret.

U.S. Department of Labor  
All Applicant Data Report  
Name: DAN PANAGIOTIS

US Mag. Judge, Retired

Phone Number: [REDACTED]

Email Address: [REDACTED]

Reference Type: Professional

Additional Information: Appointed Magistrate Judge Ad Hoc for the Town of Henderson, La. on March 12, 2015-Present

Graduation Commencement Speaker, Westminster Christian Academy, Opelousas, LA 2013

Speaker/Panelist, Lafayette Parish Bar Assn Annual Maritime CLE, 2012

Appointed Magistrate Judge for the City of Carencro, La. on January 1, 2003-Present

President-Board of Directors, Westminster Christian Academy, Opelousas, LA; 2002-2006

Member -Board of Directors, Westminster Christian Academy, Opelousas, LA; 1999-2002

American Inns of Court, John M. Duhe, Jr. Chapter- Barrister 1996-2000

Committee Chairman-Boy Scouts of America, Troop 119, Lafayette, LA; 1994-1997

Senior Clerk to the Honorable F. A. Little, Jr., United States District Judge, WDLA; 1985-

1986: While clerking for Judge Little I was asked to research and create various forms

assisting pro se and pauper claimants dealing with Social Security appeals and Habeas Corpus cases.

Law Clerk to the Honorable Nauman S. Scott, United States District Judge, WDLA; 1984-1985:

While clerking for Judge Scott I had the opportunity to work with the court appointed

demographer on the reapportionment of Madison Parish in securing Constitutional

representation under the "one man, one vote" doctrine.

While working for both judges I was able to assist with a civil rights cases under 42 USC

Secs. 1981, 1983 and 1988, the Federal Tort Claims Act, Immigration Appeals, the

Environmental Protection Act and received unique mentoring in effective legal writing, all

of which provided invaluable training for federal court practice.

Tulane University Law School Moot Court Finalist, 1983

Research Assistant to Prof. David J. Sharpe tasked with drafting amendments to the Suits

in Admiralty Act, 46 USC 740 et seq. and Public Vessels Act, 46 USC 781 et seq., Tulane

Law School, 1981-1982

Eta Sigma Phi National Classics Honor Society 1981

New York State Regents Scholarship 1977

Eagle Scout 1974

My law review article, Offshore Update: Five Years After Passage: Contractual Indemnity,

Defense and Insurance Under the Louisiana Oilfield Indemnity Act, was cited as

authoritative by the Louisiana Supreme Court in its majority opinion in Fontenot v.

Chevron USA, Inc., No. 95-1425 (La. 7/2/96), 676 So. 2d 557 (La. 1996), and by Justice

Watson in his separate opinion in Meloy v. Conoco, Inc., 504 So.2d 833, 840 n.2 (La.

1987); certified questions answered, 817 F. 2d 275, 281 n.2 (5th Cir. 1987).

I was sole counsel for the successful defendant in Hufnagel v. Omega Serv. Indus., Inc.,

182 F.3d 340 (5th Cir. 1999) which set precedents to establish parameters for Jones Act

seaman status, fraudulent joinder under 28 USC Sec. 1441 and jurisdiction under the Outer

Continental Shelf Lands Act, 43 USC Sec. 1441 et seq. Hufnagel has been cited by courts in

the 5th Circuit and other jurisdictions over 165 times.